

Exhibit A

Affidavit of Lt. James David Wicker

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALYSON RUBIN and
JENNIFER HICKEY,

Plaintiffs,

v.

CAPTAIN LEWIS YOUNG,
Individually and in his official capacity
As Chief of the Capitol Police Division
of the Georgia Department of Public
Safety, et al.,

Defendants.

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CIVIL ACTION
FILE NO. 1:19-CV-1158-SCJ

AFFIDAVIT OF LT. JAMES DAVID WICKER

1.

Personally appearing before me, the undersigned officer duly authorized to administer oaths in and for the State of Georgia, LT. JAMES DAVID WICKER who, after being duly sworn, deposes and states the following:

2.

My name is LT. JAMES DAVID WICKER, and I am sui juris and competent to testify in this matter and under no civil or legal disability.

3.

I give this Affidavit as evidence in the above-styled action and for any other lawful purpose.

4.

I make this Affidavit based on my personal knowledge of its contents.

5.

I am a Lieutenant for the Georgia State Patrol and currently employed as the Assistant Director of Capitol Police. I have been employed by the Georgia State Patrol for more than 23 years and assigned to the Capitol Police for 7 years, serving as Lieutenant for the past 3 years. As the Assistant Director of Capitol Police, I supervise officers during the Legislative session, act on behalf of the Director of Capitol Police in his absence, and coordinate special details for the Capitol Police Division.

6.

On March 7, 2019, at approximately 3:30 P.M., I was working in my official capacity as a Georgia State Trooper at the Georgia State Capitol when I was approached by Helen Kelly, who works for the House of Representative's Page Program. Ms. Kelly contacted me to report that she had received complaints from three of the House pages about a button worn by members of the public; the button was reported to have offensive language displayed and the individuals wearing the buttons were located directly in front of the seating area for the pages. (See Schematic of Capitol, a true and accurate copy of which is attached hereto as Exhibit

A-1; *and see* Photos of Capitol, a true and accurate copy of which is attached hereto as Exhibit A-2).

7.

Upon receipt of the complaint, I was able to locate an individual wearing the button in question, which stated "Don't Fuck With Us, Don't Fuck Without Us." Because the language on the button was considered obscene, vulgar or profane, was worn in the presence of minors, and was threatening an immediate breach of the peace as prohibited by O.C.G.A. § 16-11-39(a)(4), I asked the individual if she would remove the button. The individual removed the button and I had no further contact with that individual.

7.

While remaining in the hallway outside the House Chamber, I observed at least two other individuals wearing the same button. I asked each of them if they would remove the button and they complied. These two individuals were also wearing other buttons of expression which did not contain the obscene language; they were not asked to remove the other buttons.


8.

The individuals who were requested to take off the obscene buttons were not arrested, prosecuted, or denied entrance into or movement within the Capitol Building.

9.

The individuals were not stopped or curtailed from making expression for their cause, but they were not permitted to wear buttons containing obscene language. The individuals were wearing other buttons that did not contain obscene language, and they were not asked to remove those buttons.

This 13 day of March, 2019.



Lt. James David Wicker
Assistant Director of Capitol Police

Sworn to and subscribed before me
This 13th day of March, 2019.



NOTARY PUBLIC
My commission expires:

